

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JAMES WEST, 89-A-6906,

Plaintiff,

05-CV-447

-vs.-

DOCCS,

Defendants.

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**MOTION TO DISMISS**

MOTION BY:

Defendant New York State Department of  
Corrections and Community Supervision  
("DOCCS")

RELIEF SOUGHT:

An Order dismissing this case with prejudice  
for lack of subject matter jurisdiction  
pursuant to FRCP 12 (h)(3).

WHEN RETURNABLE:

TBD

WHERE RETURNABLE:

Hon. Frank P. Geraci, Jr.  
United States District Court  
2 Niagara Square  
Buffalo, New York 14202

SUPPORTING PAPERS:

Memorandum of Law,  
Declaration of Denetra D. Roberts

DATED: January 18, 2018  
Buffalo, New York

ERIC T. SCHNEIDERMAN  
Attorney General of the State of New York  
*Attorneys for Defendant DOCCS*

BY:

/s/ Denetra D. Roberts

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